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11-17-04  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael S. Kappes  
Application No. : 09/164,504  
Filed : September 30, 1998  
For : ECHO CANCELING METHOD AND APPARATUS FOR  
DIGITAL DATA COMMUNICATION SYSTEM

Examiner : Toan D. Nguyen  
Art Unit : 2665  
Docket No. : 210149.406  
Date : October 26, 2004

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents:

On October 4, 2004, the U.S. Patent and Trademark Office mailed a Notice of Abandonment for the above-identified patent application. On page 1 of the Notice of Abandonment, the Examiner indicated that the application was abandoned in view of the "Applicant's failure to timely file a proper reply to the [Office Action] mailed on 18 February 2004." For the reasons set forth, the Applicants believe that this holding of abandonment is in error, and therefore, the Applicants respectfully request that the application be reinstated to pending status for further examination and prosecution:

1. Our records show that a response was mailed on June 15, 2004 with proper certificates of mailing via First Class Mail. Attached as Exhibit A, please find a copy of the Amendment as filed on June 15, 2004, along with the accompanying petition for a one-month extension of time.

2. Exhibit B is a copy of the return receipt postcard that accompanied the filing on June 15, 2004 and which was then subsequently received by the U.S. Patent and Trademark Office. The return receipt postcard shows that the Office of Initial Patent Examination (OIPE) received the Amendment and accompanying papers on June 18, 2004.

3. Exhibit C is a copy of the canceled check for the one-month extension fee that accompanied the filing on June 15, 2004, and which indicates that the U.S. Patent and Trademark Office cashed the check on June 22, 2004.

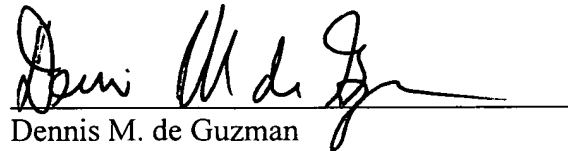
4. Exhibit D is a printout from the U.S. Patent and Trademark Office's Patent Application Information Retrieval (PAIR) system. Please see the June 18, 2004 entry that reads "Workflow incoming amendment IFW." This PAIR entry indicates that the Applicants' June 15, 2004 amendment was indeed timely filed, received, and processed by the Image File Wrapper (IFW) group of the U.S. Patent and Trademark Office but apparently was never forwarded to the Examiner. As a result, the Notice of Abandonment was erroneously issued.

Based on the above explanation and on the accompanying exhibits, the Applicants believe that they have provided herein sufficient evidence and proof that their response to the Office Action of February 18, 2004 was timely filed and that the Notice of Abandonment was issued in error. Accordingly, the present application should be reinstated to pending status, and the response and application file should be forwarded to the Examiner for further examination.

The applicants believe that, because the error rests with the U.S. Patent and Trademark Office, no fee is required for this petition. However, if it is determined that a petition fee is indeed required, authorization is provided herewith to charge any fees due by way of this petition, or credit any overpayment, to our Deposit Account No. 19-1090. If fees are charged to the Deposit Account, the U.S. Patent and Trademark Office is kindly requested to telephone the undersigned attorney at (206) 622-4900 so that he can properly notify his Accounting Department.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Dennis M. de Guzman  
Registration No. 41,702

DMD:wt

Enclosures:

Exhibits A-D  
701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900 Fax: (206) 682-6031

525917\_1.DOC

# EXHIBIT B

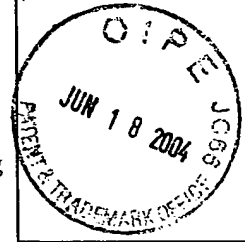
EXPRESS MAIL NO. EV529824458US

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

210149.406  
DMD:wt

SENT: June 15, 2004  
DUE: June 18, 2004

Date Stamp



Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Check; Transmittal Form; Fee Transmittal Form (+ copy); Petition for Extension of Time Under 37 CFR 1.136(a); Amendment; in re: Michael S. Kappes, USAN 09/164,504, filed September 30, 1998, for ECHO CANCELING METHOD AND APPARATUS FOR DIGITAL DATA COMMUNICATION SYSTEM.

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

*Int/Int*

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC Docket No. 210149.406 29065  
PTO ACCOUNT  
(206) 622-4900  
701 5TH AVE. STE. 6300  
SEATTLE, WA 98104-7043  
DATE: June 15, 2004 19-2/1250 WA 35709  
PAY TO THE ORDER OF DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE \$ 110.00  
\* One hundred ten and no/100 \*\*\*\*\* DOLLARS  
Bank of America  
Commercial Banking  
Washington  
11029065 11 1250000241 69048 817 110000011000

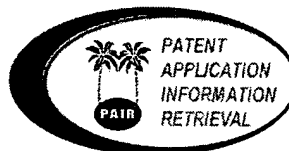
FAIRY TROUPE

**EXHIBIT D**

United States Patent and Trademark Office

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**PATENT APPLICATION INFORMATION RETRIEVAL**
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Search results as of: 10-22-2004::15:25:42 E.T.

Search results for application number: 09/164,504			
Application Number:	09/164,504	Customer Number:	500
Filing or 371(c) Date:	09-30-1998	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	10-01-2004
Examiner Name:	NGUYEN, TOAN D	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	2665	Location Date:	10-06-2004
Confirmation Number:	6738	Earliest Publication No:	-
Attorney Docket Number:	20944.4000	Earliest Publication Date:	-
Class/ Sub-Class:	370/286	Patent Number:	-
First Named Inventor:	MICHAEL S. KAPPES, SAN DIEGO, CA (US)	Issue Date of Patent:	-
Title Of Invention:	ECHO CANCELING METHOD AND APPARATUS FOR DIGITAL DATA COMMUNICATION SYSTEM		

## Search Options

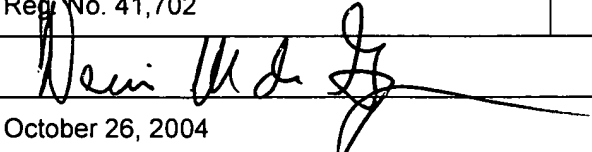
Assignments
Continuity Data
Display References

File History	
Date	Contents Description
10-04-2004	Mail Abandonment for Failure to Respond to Office Action
10-01-2004	Abandonment for Failure to Respond to Office Action
06-18-2004	Workflow incoming amendment IFW
02-18-2004	Mail Non-Final Rejection
02-17-2004	Non-Final Rejection
12-18-2003	Date Forwarded to Examiner
12-12-2003	Response after Non-Final Action
09-10-2003	Mail Non-Final Rejection
09-04-2003	Non-Final Rejection
06-25-2003	Date Forwarded to Examiner
06-23-2003	Response after Non-Final Action
04-24-2003	Mail Non-Final Rejection

04-21-2003	Non-Final Rejection
04-14-2003	Date Forwarded to Examiner
09-23-2002	Response after Non-Final Action
09-23-2002	Request for Extension of Time - Granted
05-17-2002	Mail Non-Final Rejection
05-16-2002	Non-Final Rejection
02-12-2002	Case Docketed to Examiner in GAU
10-19-2001	Change in Power of Attorney (May Include Associate POA)
10-19-2001	Correspondence Address Change
10-19-2001	Change in Power of Attorney (May Include Associate POA)
04-09-2001	Information Disclosure Statement (IDS) Filed
10-05-2000	Information Disclosure Statement (IDS) Filed
10-06-2000	Case Docketed to Examiner in GAU
02-23-2000	Information Disclosure Statement (IDS) Filed
11-24-1998	Case Docketed to Examiner in GAU
10-15-1998	Application Dispatched from OIPE
10-08-1998	IFW Scan & PACR Auto Security Review
10-05-1998	Initial Exam Team nn

<b>TRANSMITTAL FORM</b>  <i>(To be used for all correspondence after initial filing)</i>	Application Number	09/164,504
	Filing Date	September 30, 1998
	First Named Inventor	Michael S. Kappes
	Art Unit	2665
	Examiner Name	Toan D. Nguyen
	Attorney Docket No.	210149.406

ENCLOSURES (check all that apply)		RECEIVED OCT 26 2004 OFFICE OF PETITIONS
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC ( <i>Appeal Notice, Brief, Reply Brief</i> ) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Additional Enclosure(s) (please identify below): _____ _____ _____
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Individual Name	Dennis M. de Guzman Reg. No. 41,702	Customer Number <b>00500</b>
Signature		
Date	October 26, 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name		
Signature		Date:

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.